

**SEVENTH CIRCUIT JUDICIAL COMMISSION
CLAY COUNTY, MISSOURI
APPLICATION FOR ASSOCIATE CIRCUIT JUDGE**

***PLEASE NOTE: RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF
THE APPLICANT IS SELECTED AS ONE OF THE NOMINEES FOR THE VACANCY.***

1. State your full name.

Thomas Clarence McGiffin

2. State your date and location of birth.

July 27, 1957 at Excelsior Springs, Missouri



3. State your present occupation, place of work, and job title.

Attorney, McGiffin Law Office, 100 N. Main, Liberty, MO 64068

4. Provide the following information concerning your eligibility for the position of Associate Circuit Judge:

- | | |
|---|-----|
| (a) Are you at least twenty-five years of age? | Yes |
| (b) Are you licensed to practice law in Missouri? | Yes |
| (c) Are you a citizen of the United States? | Yes |
| (c) Are you a resident of Clay County? | Yes |

5. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of an Associate Circuit Judge, including the ability to preside over trials, conduct legal research and analysis, attend court anywhere in the State of Missouri,

communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court.

I am able and eager to perform the essential functions of an Associate Circuit Judge.

6. State the year of your admission to the Missouri Bar and whether your license is and always has been in good standing. If not, please explain.

I was admitted to the Missouri Bar in 1986.

7. List any other states, courts, or agencies in which you have been licensed as an attorney, and state whether your license is and always has been in good standing.

None

8. Provide the following information for all colleges or universities, other than law schools, you have attended:

(a) Name and location of institution

(b) Dates attended and degrees received

(c) Significant activities, achievements, honors, and awards

(a) United States Military Academy, West Point, New York

(b) I attended from July 1975 to June 1979 and received a Bachelor of Science Degree.

(c) Cross Country and Track Letters, Marathon Club, Cadet Choir and Dean's List.

9. Provide the following information for all law schools you have attended:

(a) Name and location of law school

(b) Dates attended and degrees received

(c) Significant activities, achievements, honors, and awards

I have attended two law schools.

1. (a) Oklahoma City University, Oklahoma, OK

(b) August 1983 to May 1984

(c) Moot Court

2. (a) University of Missouri-Kansas City School of Law

500 East 52nd St., Kansas City, MO

(b) August 1984 to May 1986. I obtained a Juris Doctor Degree

(c) Student Bar Association, Moot Court, Urban Lawyer

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain.

No, I have never been suspended or expelled from any school or educational Institution.

11. List, in chronological order, all non-legal and legal employment you have held post-high school. Include the name and location of each employer, job title, dates of employment, and reason for termination of employment.

From 1979 to 1986 I served as a U.S. Army Officer in the United States and Europe. I served in the active duty military and the Reserves.

From June 1985 to May 1986 I worked as a clerk at the law firm Barker, Rubin and Sonnich, 1313 Commerce Tower, Kansas City, MO. I left this position to secure full time employment.

After graduation from law school in May 1986, I began my legal career with the Law firm James, Millert, Houdek, Tyrl and Sommers. I performed legal work in all areas of civil law, workers' compensation, and criminal law. I left this position to start my law firm in 1988 in Liberty, MO.

From 1988 to the present I have maintained the Law Office of Thomas C. McGiffin in Liberty, Missouri, general practice with emphasis on civil, criminal, domestic relations and probate matters.

While maintaining my law practice I served as an Assistant Prosecutor for the City of Kansas City from 1993-1998, Prosecutor for the City of Liberty from 1999 to the present, and terms as Prosecutor for the cities of Lawson, Mosby, and

Wood Heights. In 2012 I was appointed as the Judge in Excelsior Springs and hold that position today.

Also, I served as an assistant County Counselor for the Clay County Counselor's Office, Liberty, Missouri from 1988 to 1998. I was assigned to advise the Commission member at their meetings, represent indigent individuals and represent the Public Administrator's Office.

12. Describe the nature and extent of your experience as a practicing attorney in the trial and appellate courts, and explain how such experience demonstrates the quality of your legal work.

My legal experience has been in both civil and criminal areas. I have tried cases in small claims, associate circuit and circuit levels. I have represented both Plaintiffs and Defendants in the civil area. The cases have included automobile accidents (both Plaintiff and Defendant), contract disputes, intentional tort defense (battery), real estate boundary disputes, family law cases, involving dissolution of marriage, legal separation, modification of Judgments and as a guardian ad litem. I have also tried juvenile cases involving termination of parental rights as a parent's attorney.

I have had numerous cases in criminal law as Prosecutor and defense attorney. I have tried cases involving assault, stalking, driving under the influence of alcohol, burglary and drug possession.

13. Provide a representative list of at least ten cases in which you served as the primary attorney at trial or an administrative hearing. The list should include the style of each case, court or administrative agency, identification of your client, and the nature and date of disposition.

In December 2009, I represented the Petitioner Marie Bennett in the trial of *Bennett v. Bennett* Clay County Case 08CY-CV01687. In this divorce case the Petitioner requested child custody, support and maintenance. The Respondent filed a counterclaim requesting custody, support and attorney fees. The Court found in favor of the Petitioner and granted her custody of the minor child and ordered the Respondent to pay child support and maintenance.

In December 2010, I represented the Petitioner Robert Babb in the trial of *Babb v. Babb*, Clay County Case 10CY-CV02221. This case involved issues regarding child support, division of assets, maintenance and retirement. Respondent's request for increased child support and unequal division of assets were denied. Petitioner's request for a dissolution of marriage, statutory child support and an equal division of assets was granted.

In August 2012, I represented the Respondent Kellie Wolfer in Clay County Case

7CV101000765. In this case I filed a Motion to Modify to transfer the custody of her twelve (12) year old daughter to her. After a trial the Judge found the minor child was active in sports, an honor student, and had perfect attendance at school. Further, despite her desire to live with her mother found that there were insufficient change in circumstances to warrant a change of custody and denied the motion. Subsequently, the parties agreed that it would be in the child's best interest to live with her mother where she lives today.

In October 2012, I represented the City of Mosby in the jury trial of *City of Mosby v. Spurlin*, Clay County Case 12CY-CV01160. The defendant was charged with driving without a license and driving without insurance. The defendant claimed he was a freeman and the laws of the State of Missouri did not apply to him. Also, that he had the constitutional right to travel freely without interference. The jury found the defendant guilty of both charges and recommended a jail sentence and a fine.

In November 2012, I represented the City of Liberty in the jury trial of *City of Liberty v. Betancourt*, Clay County Case 12CY-CR01262. The defendant owned or harbored over fifty (50) cats while residing in downtown Liberty causing health and public safety concerns to both the cats she kept and residents in the surrounding neighborhoods. The jury found the defendant guilty. Subsequently, the cats were removed and placed in a shelter for feral cats.

In June 2013, I represented the Petitioner Sherry Hurt in the trial of *Hurt v. Hurt*, Clay County Case CV198-5392. This was an action to enforce the previous judgment that required the Respondent to pay medical, education, and extra-curricular activities, expenses for the minor child of the marriage. The Respondent filed a counterclaim to emancipate the child. The court found in favor of my client, the Petitioner and awarded her the medical, education and extra-curricular fees requested. Further, the court denied Respondent's request to emancipate the minor child.

In December 2013, I represented Respondent Shane Lee in Clay County Case 13CY-CV04366. Mr. Lee missed his court date and a default judgment dissolving his marriage was entered against him awarding custody of his minor child to the Petitioner, giving him very little supervised visitation, and ordering him to pay child support and maintenance. Mr. Lee hired me to file a Motion to Set Aside the Judgment because he is dyslexic, has an 8th grade education and he was denied contact with his son. The court found these were insufficient reasons to set aside the judgment.

In March 2014, I represented the defendants, Steve and Mary Mortimor in the trial of *Candillo v. Mortimor*, in Clinton County Case 12CN-CV00525. The plaintiffs purchased a house from the defendants and claimed the plaintiffs failed to disclose defects in the home and sought damages for breach of contract and fraud. After a trial the judge found in favor of my clients, the defendants and

assessed the costs against the plaintiffs.

In May 2015, I represented the Respondent Eric Zeller, in the trial of *Zeller v. Zeller*, Clay County Case 08CY-CV06398. This was a Motion to Modify Child Custody and Support. The parties' sixteen (16) year old daughter desired to live with her father and the mother objected. After a trial the court found that it was in the child's best interest to live with her father and granted my client's motion to transfer custody to him and abate child support.

In June 2015, I represented the Respondent Brittany Messer in the trial of *DeFreece v. Messer* a Clay County Case 14CY-CV09939. This was a paternity case where child custody, child support and visitation were disputed. The Commissioner found that my client's parenting plan was in the child's best interest of the minor child and awarded her custody, child support at the amount requested and attorney fees.

14. If you have appellate experience, provide a representative list of cases in which you served as the primary attorney on appeal. The list should include the style of each case, appellate court or administrative agency, identification of your client, and the nature and date of disposition.

I have had the privilege to present oral argument on four occasions before the Missouri Court of Appeals-Western District. In *Werle v. Werle*, I presented oral argument before the travelling panel in Ray County, Missouri and, again, before the panel in Kansas City. The court affirmed the trial court's ruling regarding maintenance and property issues in favor of my client, Respondent Ben Werle.

Also, I appeared before the Court of Appeals-Western District in the case of *King v. King*. I represented the Respondent, Mr. King in a Clay County divorce in which the court denied Petitioner's request for maintenance and set aside a substantial amount of property to my client, as non-marital property. The Petitioner appealed, however, after oral argument, the Court of Appeals affirmed the Judgment of the Circuit Court which denied Petitioner's request for maintenance and awarded all the non-marital property to my client the Respondent.

Finally, I appeared before the Court of Appeals-Western District in an appeal from the Clay County Court's Judgment in *Lee v. Lee*. (Please see *Lee v. Lee* above).

15. If you are serving or have served in a judicial capacity, describe the nature and extent of your judicial responsibilities, the types of dockets handled, and any special expertise developed.

I have served as a municipal judge in multiple jurisdictions including Excelsior Springs, and Smithville. My duties include presiding over the docket. Cases on

dockets range from housing code violations, traffic tickets, and stealing to assaults.

As a municipal judge, my responsibilities include presiding over a case from arraignment to plea or trial. Over the past three years, I have presided over thousands of cases. I have to make rulings on issues of bond, probation violations, motions alleging violations of Constitutional rights, and contempt of court. I have presided over dozens of bench trials. I have to make immediate decisions on rules of law and evidence. Due to the volume of a municipal docket, a judge must be efficient and decisive on matters affecting both the interests of justice and the individuals' rights. I am familiar with rules of evidence and procedure to ensure a fast moving docket without shortcutting justice or decorum.

In the years on the bench, I have discovered both the great responsibility and power that a judge has. I have worked to balance the interests of the city, the Citizens, defendant's rights, and victims' rights in an effort to find justice.

16. If you are serving or have served in a judicial capacity, provide a representative list of at least ten cases over which you have presided to completion. The list should include the style of each case and the nature and date of disposition.

Not applicable

17. If you do not have significant experience in litigation or in a judicial capacity, describe any other legal experience or accomplishments in the legal profession that may qualify you to serve in the position of Associate Circuit Judge.

Not applicable

18. List all bar associations and law-related organizations of which you are or have been a member, with any offices held and dates of membership.

Missouri Bar Association, 1986 to present, member
Clay County Bar Association, 1990 to current, member and past officer and director
Kansas City Metropolitan Bar Association, 1986 to current, member
Missouri Municipal and Associate Circuit Prosecutor Association, 1990 to current, member and past officer and director
Missouri Municipal and Associate Circuit Judges Association, 1999 to current

19. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.

I have had the privilege to be a guest speaker at continuing legal education classes for the Clay County Bar Association and the Clay County Young Lawyers Association regarding criminal prosecution and courtroom procedures. Also, I have been a guest speaker on career day at Liberty High School and Excelsior Springs High School to discuss the legal profession with high school students.

20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain.

I am the appointed Municipal Judge for Excelsior Springs and the Prosecutor for the City of Liberty.

21. Provide the branches and dates of any military service or other public service not otherwise covered in this application. If discharged from the military, state whether the discharge was other than honorable.

After graduation from the United States Military Academy at West Point, in 1979 I was commissioned as an Officer in the United States Army where I served in the United States and Europe. I received an Honorable Discharge on June 6, 1985 and earned the Parachutist Badge, Overseas Ribbon, and Army Commendation Medal.

22. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.

I have had the privilege to participate in the following community service Activities:

1. Liberty School District Foundation-Board of Directors
2. Liberty Hospital Foundation-Board of Directors
3. Clay County Bar Foundation-President and Director
4. American Legion Post 95-25 years of continuous service
5. Liberty Area of Chamber of Commerce, Member
6. Liberty High School Booster Club, Team Representative
7. Excelsior Springs Quarterback Club-volunteered legal work to obtain 501(c)(3) non-profit status

23. List any significant honors or awards you have received that otherwise have not been covered in this application.

Eagle Scout

24. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain.

No

25. Have you ever been convicted of a misdemeanor or felony or received a suspended imposition of sentence in any federal, state, or military court? If so, please explain and provide the style of the case (including case number), the court, the date of the conviction, and the sentence or fine imposed.

No

26. Have you ever been held in contempt of court? If so, please explain.

No

27. Have you ever been sued by a client or been a party to any litigation, other than as a guardian ad litem, plaintiff ad litem, or defendant ad litem? If so, please explain and provide the style of each case, the court, your role as plaintiff or defendant, and the nature and date of disposition.

Yes. In my capacity as the Prosecutor for the City of Liberty I was named as a defendant in an action brought by a Freeman who was charged with a crime in Liberty, Missouri, claiming the laws of the State of Missouri did not apply to him. The case was summarily dismissed and the defendant later pled guilty to the charges.

28. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? If so, please explain.

No

29. If you are or were a member of the judiciary of the State of Missouri, please state:

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? If so, explain the details of such breach and the date, nature, and duration of the discipline imposed.
- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. If so, explain the details of such cause and the date and nature of the discipline imposed.

(c) Whether, to your knowledge, you are the subject of a complaint that is currently under investigation by the Commission on Retirement, Removal and Discipline. If so, explain that nature of such complaint and the status of the investigation.

Not applicable

30. Provide any additional information that you consider relevant to your qualifications for the office of Associate Circuit Judge.

I have dedicated my adult life to serving the citizens of Clay County by working to make the streets safer. I have a deep commitment to continue serving this community. I have lived in Clay County my entire life, excluding law school and service in the military.

I have a strong commitment to my close-knit family. I have been married for 28 years to Vickie McGiffin, a high school teacher at Winnetonka High School, in Clay County. I am the father of three adult children, Elizabeth, a TV Meteorologist in Oregon, Amy, a digital marketer in Columbia, Missouri and Cheryl, an architect in Texas. I am very proud of my wife and children.

31. List the names and contact information (title, mailing address, telephone, and email address) of the five persons whom you have requested to provide letters of reference regarding your character and judicial qualifications. Do not list as a reference any judge who currently sits in the Seventh Judicial Circuit.

1. Donald T. Norris, attorney and former Clay County Prosecutor and Associate Circuit Judge, 100 N. Main , Liberty, Missouri 64068, 816-792-4750, donaltdnorrslaw@gmail.com
2. Clay County Prosecuting Attorney Daniel White, Clay County Prosecuting Attorney's Office, 11 S. Water, Liberty, Missouri 64068, 816-736-8300, daviel_white@clacopa.com
3. Kansas City Prosecuting Attorney Keith Ludwig, Kansas City Prosecutor's Office, 1101 Locust, Kansas City, Missouri 64106, 816-513-6751, keith.ludwig@kcmo.org
4. Douglass F. Noland, Noland Law Firm LLC, 34 Westwoods Drive, Liberty, Missouri 64068, 816-781-5055, doug@nolandlawfirm.com
5. Honorable Michael J. Maloney, 9011 Catherine, Liberty, Missouri 64068, 816-863-1135, Michael.jp.maloney@gmail.com